

Attorney Docket No. 10559-195001
Serial No. 09/662,679
Amendment dated October 30, 2003
Reply to Office Action dated July 30, 2003

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

The objection to the lack of summary is again respectfully traversed. The rejection quotes exactly the language of the rule which only states that the summary should precede the detailed description. The word "should" indicates that this rule is entirely voluntary; if it were mandatory, the rule would say "must". For these reasons, with all due respect, the patent office has no power to require a summary of the invention be added.

Claims 1-13 and 29-30 stand rejected under 35 USC 112, as allegedly being indefinite. In response, the specific instances of indefiniteness have been obviated. The Examiner is thanked for pointing these out to applicants.

Claims 1-3, 8-10, 13-16 and 26 stand rejected based on Nguyen. Claims 4-7, 11-12, 17-21, 23-25 and 27-30 stand rejected over Nguyen in view of Suzuki. In response, many of the claims are amended to include further details about their patentable distinctions. For example, claim 1 is amended to include the limitations of claims 4, 5 and 6 therein and also to define additional details about how this is carried out. Claim

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6 was rejected over Nguyen in view of Suzuki. However, it is respectfully suggested that the hypothetical combination of references does not teach or suggest the subject matter of claim 1.

Admittedly, Nguyen teaches gesture recognition using Hidden Markov models, and also describes doing this from a video system. Suzuki teaches a dance game, however, that dance game is entirely based on audio. Nothing in the dance game teaches or suggests in any way that video acquisition could be used to determine whether gestures are carried out at any specific times. For this reason, it is respectfully suggested that the hypothetical combination is based on hindsight, not on the teaching of either reference. Nguyen teaches things that the system can do; for example, it can be used to detect lip reading. Nowhere does Nguyen teach or suggest anything about a dance game, or anything analogous to that, which could be done. One having ordinary skill in the art would not think that Nguyen could be used in a dance game. In the paragraph between pages 6-7 of the official action, the rejection states that one would have been motivated "because the step-on base of Suzuki only captures the movements of the player's beat and does not recognize the movements of the rest of the body as intended in Suzuki". However, this is exactly applicants' point. Suzuki is

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unable to evaluate all of the movements. Suzuki never teaches or suggests any way to evaluate other movements. In fact, Suzuki apparently believed that this would be impossible to do. In any case, nowhere is there any teaching or suggestion in either Suzuki or Nugyen that the disclosed system could include video capabilities. The hypothetical attempt to include the Nguyen system in Suzuki is based entirely on the teaching of the present specification, not based on the prior art. Hence, this hypothetical combination is based entirely on hindsight.

In addition, even if the hypothetical combination were made, it is respectfully suggested that the subject matter of the claims still is not taught or suggested by this hypothetical combination. In fact, nowhere is there any teaching or suggestion in the hypothetical combination of analyzing information automatically within the video clip, only within the specified time. Suzuki teaches that the game should be carried out along with the rhythm. However, he never teaches or suggests a time window for analyzing aspects of the video clip as now claimed. He does not teach or suggest segmenting the video data to find a part within the timing window or determining information within that video data. The hypothetical combination quite simply does not teach or suggest anything related to this.

Attorney Docket No. 10559-195001
Serial No. 09/662,679
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The other dependent claims should be allowable for similar reasons, as well as on their own merits. For example, it appears that nothing in the hypothetical combination of Nguyen in view of Suzuki teaches anything about the feature vector approach of claims 10 and 11. Column 11 of Nguyen teaches a frame data set being used rather than the feature vector.

Claim 14 has been amended in a similar way and should be allowable for similar reasons to those discussed above. The dependent claims should be allowable for similar reasons; specifically, for example, claim 22 specifies a gesture probability vector which is not taught or suggested by the hypothetical combination of prior art.

Each of the remaining claims should be allowable for similar reasons.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

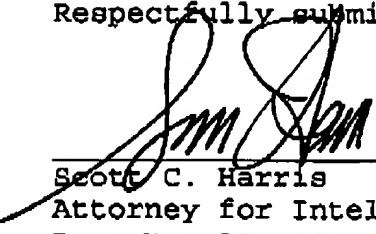
Attorney Docket No. 10559-195001
Serial No. 09/662,679
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Respectfully submitted,

Date: 10/30/03



Scott C. Harris
Attorney for Intel Corporation
Reg. No. 32,030

Fish & Richardson P.C.
PTO Customer Number: 20985
4350 La Jolla Village Drive, Suite 500
San Diego, CA 92122
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
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